

REMARKS

The applicant's representative acknowledges, with gratitude, the courtesy extended by the Examiner in granting an interview on December 9, 2008. The applicant's representative demonstrated the device of the present invention and discussed differences between the applicant's device and the device of the cited reference.

The application was rejected under 35 U.S.C. 102(b) as being anticipated by *Gipson*.

Claim 8 has been amended to recite

... the device preassembled and ready for use by a user ...

As shown in Figs 1-4, the device is a single unit which requires no assembly. Contrary thereto, *Gipson* discloses a two piece garment (abstract; column 2, lines 26-28 and Fig 1) which must be assembled. To assist in assembling the device to a selected size, the device of *Gipson* has indicia 36 on the belt to indicate to the user a location to attach the patches 18 on the disposable assembly 14 (Column 4, line 50 to Column 5, line 5, Figs 1 and 2). It is further noted that the belt of the *Gipson* device is reusable (Column 1, lines 59-61, Column 3, lines 26-33) whereas the present invention is a completely disposable unit.

Claim 8, as amended, further recites:

" ... The belt being disposed exteriorly of the front and back sections of the pad, on the outside thereof ... ".

Gipson discloses the front portion of the belt interiorly of the front of the pad as shown in FIG. 3 and discussed in column 9, line 60 through column 10, line 9 (i.e., by attaching the front of the disposable assembly 14 to the exterior (emphasis added) face of the belt 12.

Amended Claim 8 further recites:

" ... the belt including two separate semi-belts including a right semi-belt and a left semi-belt respectively, each of the semi-belts being folded upon itself in a first position, the belts being nested with respect to each other which, when unfolded in a second position by the user, extend forwardly of the user ... ".

Support for the amended claim is found in US2006/0167433A1, paragraphs 0030, 0037, 0038, Figs 1, 2, 3, 5, 6, 7. The *Gipson* reference does not disclose nor suggest a belt which is folded in any manner (Column 3, lines 11-25, Figs 1-3). Any suggestion that the belt is folded or is capable of being folded/unfolded is impermissible hindsight. It is submitted that a foldable belt is a novel feature of the structure of the device of the present application.

Claim 8 has been further amended to recite:

" ... fastening means between the semi-belts and the front section of the pad for removably fastening the device to the user; the fastening means including respective spaced-apart adhesive patches carried exteriorly by the front section of the pad, wherein the right semi-belt is fastened against one of the adhesive patches and wherein the left semi-belt is fastened against the other adhesive patches ... ".

Support for this structure is found in US2006/0167433 A1 in paragraphs 0038 through 0040, Figs 2-4. The specification identifies the adhesive as an "insert (7a)". However, since this term may be subject to misunderstanding, the claim recites "patch" which is more descriptive of the structure of the device. The device of *Gipson* has no spaced apart adhesive patches carried by the front section of the pad. The disposable assembly of *Gipson* is attached to the belt at the back of the wearer with the belt being external of the disposable assembly (Column 9, lines 64-68). The hook type patches at the front of the front waist margin 28 attached to the outwardly oriented face of the belt (away from the wearer)(column 10, lines 1-3 and Fig. 3). Thus the front of the disposable

assembly is disposed exteriorly of the belt as distinguished from the present application where the pad is interiorly of the semi-belts and the semi-belts are adjustably fastened to the front of the pad.

Claim 8 has been further amended to recite:

" ... the left semi-belt having an adhesive member formed on an exterior side of a free end thereof, the adhesive member being attached on an external side of the right semi-belt ... ".

Support for this structure is found in US2006/0167433 A1 in Paragraph 0042 and Fig 4. As noted above, the disposable assembly of Gipson is disposed exteriorly of the belt. Also, Gipson does not require that the left semi-belt be attached to an external side of the right semi-belt.

For the above stated reasons, it is submitted that Gipson does not describe all of the features and structure of the device recited in Amended Claim 8 and allowance of Claim 8 is respectfully requested.

During the interview, the Examiner noted that *Gipson* discloses loop receiving material on both faces of the belt, along the entire length of the belt (column 3, lines 44-45). It is submitted that this feature further distinguishes the device of the present application from the cited reference. Not only does the present application not have adhesive or loop receiving material on both sides of the same belts, but such structure would make the device of the present application inoperative. If such structure existed, the semi-belts could not be folded as claimed. It is submitted that *Gipson* teaches away from the present application. Further, the adhesive or loop material on both sides of the belt would necessitate the adhesive or loop material contacting the skin of the wearer which could irritate the wearer. This is contrary to the present invention which ensures that adhesive is away from contact with the wearer.

To more clearly distinguish the present application from the device of *Gipson*, enclosed herewith are copies of drawings which have been colored to highlight the differences. On both sets, the belts are yellow and the absorbent pads are orange. The disposition of the belt exteriorly of the pad in the present application is clearly shown. Contrary thereto, FIG. 3 of the *Gipson* shows the front of the belt to be disposed interiorly of the pad. The folding/unfolding of the semi-belts of the present application are clearly shown. The two piece structure of *Gipson* is depicted in FIG. 1. The adhesive patches on the exterior of the front section of the pad of the present invention are colored blue. FIGS. 3 and 4 of the present application illustrate the right semi-belt being under the left semi-belt and the adhesive member on the interior of the free end of the left semi-belt being colored green.

It is submitted that the device having foldable semi-belts exteriorly of the absorbent pad such that the semi-belts are extended over the outside of the pad with the right semi-belt attached to an adhesive patch on the exterior of the front of the pad and the left semi-belt is disposed over the right semi-belt, the left semi-belt being attached to a second adhesive patch on the exterior of the front panel is innovative and is not the structure which would be used by a person of ordinary skill.

Further, enclosed is a Declaration from the inventor, a person with extensive experience in the field of incontinence pads. The Declaration explains differences from the cited reference and the present invention.

It appears that all matters have been addressed satisfactorily and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07(d) and (j), for putting the case in condition for final allowance, she is respectfully

urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Respectfully submitted,

Dec 29, 2008

Date

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